

STATE OF NEW YORK

6156

2023-2024 Regular Sessions

IN SENATE

March 31, 2023

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, the criminal procedure law, and the retirement and social security law, in relation to the creation of the Comprehensive School Resource Officer Training and Implementation Program (SRO TIP)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 2801-c
2 to read as follows:

3 § 2801-c. New York state school resource officer program. 1. For
4 purposes of this section, the term "school resource officer" shall mean
5 a school resource officer, school safety officer, school security offi-
6 cer, or any other substantially similar position or office whose purpose
7 is to provide improved public safety and/or security on school grounds.

8 2. Any boards of cooperative educational services, public or nonpublic
9 school which is not in a city school district in a city having a popu-
10 lation of one million or more may employ, in either the classified or
11 unclassified service, any school resource officer. Such school resource
12 officer shall be: (a) a retired police officer, a retired state trooper,
13 a retired deputy sheriff, or a retired federal law enforcement officer
14 and who, once a certification process is established, is certified as a
15 school resource officer under section twenty-eight hundred one-d of this
16 article; or (b) an active duty state trooper, police officer in the
17 service of a town, city or village, or deputy sheriff from a county
18 sheriff's department.

19 3. Any boards of cooperative educational services, public or nonpublic
20 school which is not in a city school district in a city having a popu-
21 lation of one million or more may contract with the state of New York,
22 or a county, city, town or village, for the provision of a state troop-
23 er, police officer or deputy sheriff, to serve as a school resource

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 officer. A board of cooperative educational services or school district
2 which is not in a city school district in a city having a population of
3 one million or more shall be authorized to employ or contract for as
4 many school resource officers as such board of cooperative educational
5 services or district deems necessary.

6 4. It shall be the primary role of the school resource officer to
7 provide improved public safety and/or security on school grounds through
8 community policing techniques, investigative measures, and tactical
9 preparedness. In addition to such primary role, school resource officers
10 also may serve additional roles, including but not limited to:

11 (a) Proposing and enforcing policies and administrative procedures
12 related to school safety;

13 (b) Utilizing technology in the implementation of a comprehensive
14 safety program;

15 (c) Serving as a liaison with other school officials and other commu-
16 nity agencies, including but not limited to, other law enforcement enti-
17 ties, courts, health care entities, and mental health entities;

18 (d) Proposing and implementing strategies concerning prevention,
19 response and recovery efforts for incidents and/or emergency situations
20 occurring on school grounds and/or involving students, faculty, adminis-
21 tration or visitors to the school;

22 (e) Proposing and assisting in the execution of school emergency
23 drills and proposing and assisting in the creation of school safety
24 plans;

25 (f) Providing educational and mentoring services to students;

26 (g) Assisting in the design, explanation and enforcement of school
27 safety and security policies and procedures; and

28 (h) Performing such other and further roles, responsibilities and
29 activities as the school district may deem appropriate and proper for a
30 law enforcement officer to perform, in order to advance the security,
31 safety and well-being of students, faculty, administration and visitors
32 to the school district's schools, transportation vehicles and school
33 grounds.

34 5. Such school resource officer may carry and possess firearms during
35 the course of their duties at such school district, but nothing in this
36 subdivision shall be deemed to authorize such school resource officer to
37 carry, possess, repair or dispose of a firearm unless the appropriate
38 license therefor has been issued pursuant to section 400.00 of the penal
39 law.

40 § 2. The education law is amended by adding a new section 2801-d to
41 read as follows:

42 § 2801-d. New York state school resource officer certification
43 program. 1. For purposes of this section, the term "school resource
44 officer" shall mean a school resource officer, school safety officer,
45 school security officer, or any other substantially similar position or
46 office whose purpose is to provide improved public safety and/or securi-
47 ty on school grounds.

48 2. The department shall, utilizing boards of cooperative educational
49 services, establish a school resource officer training program to certi-
50 fy retired police officers, retired deputy sheriffs, retired state
51 troopers and retired federal law enforcement officers as school resource
52 officers as well as a school resource officer recertification program to
53 recertify school resource officers who have previously completed and
54 passed the department's school resource officer certification program.
55 Such programs shall be designed by the department to include, but not be
56 limited to, counseling techniques, community policing practices, gender

1 and racial sensitivity awareness, and field and tactical training for
2 prevention and response to incidents. The department shall utilize
3 current or retired police officers, in order to train school resource
4 officers in any police related or tactical training provided for certifi-
5 cation. The certifications granted from such programs shall expire one
6 year after the program was completed and passed.

7 3. The department shall separately offer the school resource officer
8 training program and the school resource officer recertification program
9 at least once per year per county.

10 § 3. Section 2.10 of the criminal procedure law is amended by adding a
11 new subdivision 86 to read as follows:

12 86. Retired police officers, retired state troopers, retired deputy
13 sheriffs or retired federal law enforcement officers employed by boards
14 of cooperative educational services or a school district as a school
15 resource officer; provided, however, that nothing in this subdivision
16 shall be deemed to authorize such officer to carry, possess, repair or
17 dispose of a firearm unless the appropriate license therefor has been
18 issued pursuant to section 400.00 of the penal law.

19 § 4. Subdivision 3 of section 212 of the retirement and social securi-
20 ty law, as added by section 1 of part Y of chapter 55 of the laws of
21 2013, is amended to read as follows:

22 3. Notwithstanding the provisions of subdivisions one and two of this
23 section, the commissioner of education may determine, pursuant to
24 section two hundred eleven of this article, that such earnings limita-
25 tions shall not apply to a retired police officer, retired state trooper
26 or retired deputy sheriff employed by boards of cooperative educational
27 services or a school district as a school resource officer; or to a
28 retired police officer, retired state trooper, or retired deputy sheriff
29 who is employed as a school resource officer by a county, city, town or
30 village police department pursuant to a contract with a school district
31 to provide such services. The commissioner of education may include no
32 more than thirty thousand dollars in addition to the earning limitations
33 set forth in the table in subdivision two of this section to such
34 retired police officer, retired state trooper, or retired deputy sheriff
35 who is employed as a school resource officer.

36 § 5. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

Insofar as it would affect the New York State and Local Retirement System (NYSLRS), this bill would allow, with the approval of the Commissioner of Education, retired police officers, retired state troopers, and retired deputy sheriffs who are employed as school resource officers with an annual salary of \$65,000 or less to continue to receive their full retirement benefit, provided that such employment is by any of (1) a school district, (2) a board of cooperative educational services, or (3) by a county, city, town or village police department pursuant to a contract with a school district to provide such services. Currently, only retired police officers employed as school resource officers by a school district are allowed enhanced post-retirement earning.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), pursuant to Section 25 of the Retirement and Social Security Law, the increased costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. If enacted during the 2023 legislative session, the direct cost incurred would be a retiree's post-retirement earnings more than \$35,000 each calendar year, not to exceed the full pension benefit paid by the NYSLRS during that period.

In the NYSLERS, this benefit improvement will be funded by including a separate itemized charge on the New York State annual invoice, equal to the cost quoted above, plus interest.

The number of members and retirees who could be affected by this legislation cannot be readily determined. For each retiree hired pursuant to this proposal, an annual cost of \$30,000 is expected.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 30, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-26, prepared by the Actuary for the New York State and Local Retirement System.